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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The occupied Syrian Golan**

Report of the Secretary-General

1. The present report is submitted pursuant to General Assembly resolution 63/99, the operative part of which reads as follows:

> "*The General Assembly*
>
> "...
>
> "1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect and demanded that Israel, the occupying Power, rescind forthwith its decision;
>
> "2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;
>
> "3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

* A/64/150.

** The present report was due for submission on 26 August 2009. It was submitted on 16 September 2009 in order to include allegations on human rights issues gathered during a mission to the Syrian Arab Republic between 4 and 11 July 2009.

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"4. *Calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and from its repressive measures against the population of the occupied Syrian Golan;

"5. *Deplores* the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

"6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

"7. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution."

2. On 12 June 2009, the Office of the United Nations High Commissioner for Human Rights (OHCHR), on behalf of the Secretary-General, addressed a note verbale to the Governments of the Syrian Arab Republic and Israel informing them of a mission by OHCHR to the occupied Syrian Golan and to the Syrian Arab Republic on the basis of the aforementioned resolution.

3. The Government of the Syrian Arab Republic welcomed the mission, and, between 4 and 11 July 2009, OHCHR conducted a mission to the Syrian Arab Republic to collect information for a possible substantive report on the occupied Syrian Golan. During this time, OHCHR staff met with Government officials and representatives of civil society and international organizations. OHCHR also spoke to several people who had been displaced from the occupied Syrian Golan, including some who were separated from their families.

4. OHCHR was informed about the situation of Syrian Golanis who had been separated from their families and whose movement into the occupied Syrian Golan was restricted. Syrian Golanis living in the occupied Syrian Golan were allegedly not allowed by Israel to come back to the occupied Syrian Golan if they crossed into the Syrian Arab Republic proper, unless they held a special permit. OHCHR was informed that currently special permits were granted only to pilgrims and students and for weddings. Those allegations, if confirmed, constitute violations by Israel of international human rights obligations contained in articles 12 and 17 of the International Covenant on Civil and Political Rights, in relation to freedom of movement and the right to family life, respectively.

5. OHCHR also noted that recent efforts by the Governments of the Syrian Arab Republic and Israel had allowed several tons of apples produced by Syrians in the occupied Syrian Golan into the Syrian Arab Republic proper. There were, however, concerns about unverified reports of the arbitrary arrest and harassment by Israel of Syrian Golani intermediaries in that trade in the occupied Syrian Golan.

6. Allegations were raised with OHCHR that water was being rationed in a discriminatory manner between settlers and Syrian Golanis in the occupied Syrian Golan, and that was described as one of many disadvantages faced by Syrian Golanis who refused to change their nationality to Israeli in their Israeli-issued identity papers. In addition, several sources alleged that Israel was disposing of nuclear and toxic waste, as well as laying landmines, near Syrian Golani villages, adversely affecting the health of the population and resulting in civilian deaths. If confirmed, the alleged actions are contrary to international human rights law and international humanitarian law. If proven, these allegations would violate, inter alia, the rights to non-discrimination contained in article 2, paragraph 1, of the International Covenant on Civil and Political Rights and article 2, paragraph 2, of

the International Covenant on Economic, Social and Cultural Rights, as well as articles 11 and 12 of the latter Covenant, in particular with regard to the rights to water and to the highest attainable standard of health. These allegations could not be verified, however, owing to the fact that OHCHR staff were denied the necessary visas by the Government of Israel, which refused to cooperate with any mission on the basis of General Assembly resolution 63/99.

7. On 19 June 2009, OHCHR, on behalf of the Secretary-General, addressed a note verbale to the Government of Israel referring to the above-mentioned General Assembly resolution and asking the Government of Israel to give any information on steps taken or to be taken concerning the implementation of the relevant provisions of that resolution. As in previous years, no reply had been received at the time of the preparation of the report.

8. On 19 June 2009, OHCHR, on behalf of the Secretary-General, sent a note verbale to all permanent missions regarding resolution 63/99, drawing attention to paragraph 6 of the resolution, which calls upon all Member States not to recognize any of the Israeli legislative and administrative measures and actions in the occupied Syrian Golan.

9. On 7 July 2009, the Permanent Mission of the Bolivarian Republic of Venezuela replied to the note verbale, informing the Secretary-General that the official position of the Government of the Bolivarian Republic of Venezuela had been to reaffirm its opposition by firmly rejecting any Israeli dispositions prejudicial to the territorial integrity of the occupied Syrian Golan.

10. On 9 July 2009, the Permanent Mission of the Syrian Arab Republic replied to the note verbale, emphasizing the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) to the occupied Syrian Golan and informing the Secretary-General of several letters that the Government of the Syrian Arab Republic had sent to the President of the General Assembly, the Security Council, the European Union and international governmental and non-governmental organizations to draw attention to the matter and seek support for a solution on the following issues: Israeli nationality and identity cards imposed on Syrian citizens, confiscation of land and resources, family separation and discrimination resulting from the economic embargo and the system of high taxation applied to the Syrian population.

11. On 14 July 2009, the Permanent Mission of Qatar replied to the note verbale, emphasizing that the State of Qatar had asked many States Members of the United Nations not to recognize Israeli legal and administrative procedures aimed at changing the character of the occupied Syrian Golan, by implementing resolution 63/99 and its paragraph 3, which stated that all such decisions made by Israel were null and void and in violation of international law as well as the Fourth Geneva Convention.

12. On 24 July 2009, the Permanent Mission of Egypt replied to the note verbale, asking Israel to guarantee the application of the Fourth Geneva Convention in the occupied territories, including the occupied Syrian Golan. Egypt asked Israel to stop abusive use of force and collective punishment, forced displacement of civilians, construction and expansion of settlements and all procedures aimed at changing the geographic, demographic and legal character of the occupied territories.

13. On 28 July 2009, the Permanent Mission of Colombia replied to the note verbale, emphasizing that Colombia had voted for the General Assembly resolutions on the occupied Syrian Golan and did not recognize any territory acquired by force.